

The Honorable Paul B. Snyder
Chapter 11
[No hearing required]

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In re
WASHINGTON MUTUAL, INC.,
Debtor.

Case No. 08-12229-MFW
District of Delaware
Chapter 11

ESOPUS CREEK VALUE LP and
MICHAEL WILLINGHAM
Plaintiffs,

Adversary No. 10-04136
DEFENDANT WMI'S EX PARTE MOTION
TO EXCEED PAGE LIMITATION

vs.

WASHINGTON MUTUAL, INC.,
Defendant.

Washington Mutual, Inc. ("WMI") by its undersigned counsel, files this Ex Parte
Motion for an Order allowing WMI to exceed the page limitations in Local Rule of
Bankruptcy Procedure 9013-1(d)(1)(C).

WMI'S EX PARTE MOTION TO EXCEED
PAGE LIMITATION– 1

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1 The above-captioned adversary proceeding arises out of WMI's chapter 11 case
2 currently pending in the U.S. Bankruptcy Court for the District of Delaware ("Delaware
3 Bankruptcy Court").
4

5
6 Plaintiffs previously filed an action in Thurston County Superior Court seeking an
7 order compelling WMI to hold a shareholders meeting (the "State Action"). WMI has now
8 removed the State Action to this Court and by motion will seek an order transferring,
9 staying, or dismissing this action in favor of the first-filed adversary proceeding in the
10 Delaware Bankruptcy Court. Because of the complexity of the background of both the
11 bankruptcy case and the State Action, the current page limit is insufficient to adequately
12 address the issues involved in WMI's Motion to Transfer, Stay, or Dismiss the Instant
13 Action.
14

15 Local Rule of Bankruptcy Procedure 9013(d)(1)(C) limits the length of non-
16 dispositive motions to 12 pages. WMI's current Motion to Transfer, Stay or Dismiss is 16
17 pages. Because of the complexity of the issues involved, granting WMI an additional five
18 pages serves the interests of justice by permitting the legal and factual issues to be fully
19 addressed.
20

21 Finally, WMI agrees that if the Court grants permission for WMI to file an
22 overlength motion, any opposition filed to its Motion to Transfer, Stay or Dismiss by
23 Plaintiffs should be permitted to similarly exceed the current 12 page limitation on
24 responsive memoranda and be no more than 16 pages. Consistent with these expansions,
25 WMI respectfully requests that it be permitted to file a Reply brief of up to 8 pages.
26

27 WHEREFORE, WMI respectfully requests that the Court enter an Order, a proposed
28 form of which is submitted herewith, authorizing WMI to file its Motion to Transfer, Stay,
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1 or Dismiss the Instant Action notwithstanding the page limitation of Local Bankruptcy Rule
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3 9013-1(d)(1)(C).
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9 DATED: May 13, 2010

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